IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 20521 of 2005(R)

PETITIONER:

---

1. RARI RAGHAV.R.K.M PUNCHIRI NILAYAM,
   P.O.CIVIL STATION, KOZHIKODE DISTRICT.

2. BUSHARA.A. W/O.ABOOBACKER SIDDIQUE,
   KORACHAN KANDI PURAYIL, P.O.MADAVOOR VIA,
   NARIKKUNI, KOZHIKODE DISTRICT.

3. JAYANTHI KUMAR.P. W/O.C.K. SURENDRAN,
   CARDENIA, 26/2764, B.P.O. KOMMERI, KOZHIKODE
   DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

---

1. THE KERALA PUBLIC SERVICE COMMISSION,
   REPRESENTED BY THE SECRETARY, KERALA PUBLIC
   SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM.

2. THE SECRETARY,
   KERALA PUBLIC SERVICE COMMISSION,
   PATTOM, THIRUVANANTHAPURAM.

3. THE STATE OF KERALA, REPRESENTED BY THE
   SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL
   EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF EDUCATION,
   KOZHIKODE.

ADDL.R5: THE DISTRICT OFFICER, KERALA PUBLIC SERVICE COMMISSION, KOZHIKODE (IMPLEADED AS ADDL.R5 AS PER ORDER DATED 4.10.06 IN I.A.NO.13066/06

BY ADV. SRI.ALEXANDER THOMAS, SC, KPSC
GOVERNMENT PLEADER SRI. T.T. MAHMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.20521 OF 2005

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1: TRUE COPY OF G.O.(MS)NO.11/02/G.EDN DATED 7.1.2002.

EXT.P2: TRUE COPY OF G.O.(MS)NO.144/2005 G.E. DATED 7.5.2005.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 24.6.2005 FILED BY THE 1ST PETITINER BEFORE THE 1ST RESPONDENT.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No. 20521 OF 2005

Dated this the 26th day of September, 2007

JUDGMENT

The petitioners have filed this writ petition challenging the rank list prepared by the Public Service Commission for appointment to the post of HSA (English) in Kozhikode District. According to the petitioners, the rank list prepared did not contain enough number of candidates proportionate to the vacancies available and therefore the rank list is to be enlarged proportionate to the vacancies available. According to the petitioners, there were more than three hundred vacancies available and therefore the list should have contained at least three times the said vacancies, whereas PSC has prepared a rank list with only 106 candidates in the main list.

2. The learned standing counsel for the Public Service Commission submits that the vacancies available at the time of preparation of the short list was only thirty eight and therefore

the PSC could have prepared the short list only proportionate to those vacancies and therefore there is nothing wrong in the short list containing 106 persons in the main list. The standing counsel further submits that in any event, the entire main list was exhausted on 1.1.07 and fresh notification has been issued inviting applications for selection to vacancies which have arisen subsequent to the preparation of the rank list. According to the learned standing counsel once the main list has exhausted itself nothing further can be done except to prepare a fresh rank list in accordance with the procedure prescribed for which a new notification had already been issued on 30.10.06.

3. The learned Government pleader also deriving support from the counter affidavit filed on behalf of the 3rd respondent would contend that at the time of preparation of rank list only thirty eight vacancies were reported for direct recruitment.

4. The learned counsel for the petitioners would still contend that in view of the fact that there were more than three hundred vacancies, the rank list has to be redone including sufficient number of candidates proportionate to the

number of vacancies and advice has to be made afresh from that list. I am not inclined to accept that contention. First of all, the petitioner has not been able to satisfy me with sufficient material that there were more than thirty eight vacancies at the time of preparation of the rank list. Secondly, now that the entire list has been exhausted by advice, I am not justified in directing recasting of the list including additional candidates especially since a new notification has been issued inviting applications for fresh selection.

In the above circumstances, I do not find any merit in the writ petition and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

Acd